

EMPLOYEE DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

This procedure has been adopted by the Board in order to provide a method of prompt and equitable resolution of employee complaints of discrimination and harassment as described in policies AC – Nondiscrimination/Equal Opportunity and Affirmative Action and ACAB – Harassment and Sexual Harassment of School Employees.

How to Make a Complaint

Employees who feel they have been harassed or discriminated against in violation of this policy should report their concerns to the building principal, or if uncomfortable reporting concerns to him or her, then the report should be made to the Affirmative Action Officer or to the Superintendent. Employees are encouraged to discuss concerns with any of these individuals if unsure about whether discrimination or harassment has occurred. Employees will not be retaliated against for reporting suspected discrimination or harassment.

Informal Complaint Resolution

Sometimes harassment/discrimination issues are easier to resolve when an informal atmosphere encourages people to identify the difficulty, talk it out, and agree on how to deal with it. Informal Complaint Resolution is available to a Grievant who seeks the help of a school official (building principal or Affirmative Action Officer), but does not wish to file a formal complaint. Written records may be kept by either party. A school official may help the Grievant bring the problem to the respondent's attention, speak with the respondent and other witnesses, and help the parties arrive at a mutually acceptable solution. Such a resolution may or may not entail a face-to-face meeting of the Grievant and respondent. If the grievance is not resolved within five working days, the employee/student may file a written grievance under the Section F.

Complaint Handling and Investigation – Formal Procedure

1. The Principal shall promptly inform both the Superintendent and the Affirmative Action Officer that a complaint has been received. The Principal shall also promptly inform the person who is the subject of the complaint except where prompt notification would hamper or otherwise jeopardize investigation of the complaint. In such circumstances, notification to the person who is the subject of the complaint shall be given as soon as is practicable.
2. The complaint will be investigated by the Principal, unless the Superintendent chooses to investigate the complaint, or appoints another person to investigate it on his or her behalf.

3. If the complaint is against an employee of M.S.A.D. No. 30, the employee's rights under his or her collective bargaining agreement shall be fully respected.
4. The Principal shall keep a record of all parts of the investigation. The confidentiality rights of students and employees shall be observed.
5. The Principal may take interim remedial measures consistent with any applicable collective bargaining provisions to reduce the risk of further harassment or discrimination while the investigation is pending. The Principal may consult with the Superintendent concerning any issue relating to the investigation, conclusions and remedial and disciplinary actions.
6. If, after completing the investigation, the Principal determines that discrimination or harassment has occurred, the Principal will:
 - a. Determine what, if any, remedial action is required; and
 - b. Determine what, if any, disciplinary action should be taken against the individual(s) who engaged in discrimination or harassment including referring the matter to the Superintendent. Disciplinary action against students and employees shall be kept confidential to the extent required by applicable state and federal law.
7. If the complaining employee is dissatisfied with the Principal's conclusions and/or remedial action, he or she may appeal to the Superintendent. The Superintendent shall review the report of the investigation and may conduct further investigation if he or she deems it appropriate. The Superintendent's decision may be appealed to the Board of Directors, whose decision shall be final.
8. If the complaint is against the building principal, the Superintendent of Schools will handle the investigation, and will determine whether remedial and/or disciplinary action is appropriate. The Superintendent's decision may be appealed to the Board of Directors, whose decision shall be final.
9. If the complaint is against the Superintendent of Schools, the Affirmative Action Officer will consult with the chairperson of the Board of Directors. The Board chairperson will seek legal counsel, who will guide the investigation and resolution of the complaint.

Employees also have the right to report incidents of discrimination or harassment to the Maine Human Rights Commission, State House Station 51, Augusta, Maine 04333, telephone 207-624-6050; or to the federal Office for Civil Rights, Regional Director, U.S. Department of Education, S.W. McCormack POCH Room 222, Boston, MA 02109-4557, telephone (617) 223-9622.

Adopted: June 26, 2001